

TRANSMITTAL SLIP		DATE
TO:		
ROOM NO.	BUILDING	
REMARKS:		
EXA/DDA		14 OCT 1986
ADDA		15 OCT 1986
(Old News)		
DDA REGISTRY		
FROM:		
ROOM NO.	BUILDING	EXTENSION

STAT

# EXECUTIVE SECRETARIAT ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		X		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt		X		
13	D/OLL				
14	D/PAO				
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SUSPENSE \_\_\_\_\_ Date \_\_\_\_\_

Remarks

STAT

3637 (10-81)

Executive Secretary

10 OCT 86

Date



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Executive Registry

86- 4478/1

M-87-2

October 8, 1986

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS  
AND AGENCIES

FROM: James G. Baker III  
SUBJECT: Absence of Appropriations

The President today has expressed his concern with the inability of Congress to reach agreement on the terms of a Continuing Resolution. As you know, Congress did not pass any of the 13 appropriations measures prior to the start of the new fiscal year. Although an eight-day extension was accepted in order to permit Congress to complete its deliberations, Congress still has been unable to pass an acceptable Continuing Resolution. The President is particularly concerned that the inability of Congress to reach agreement on vital matters could interfere with his ability to conduct discussions at the summit meeting in Iceland.

Accordingly, the President has indicated that he is opposed to an extension and is asking Congress to resolve all major policy differences by close of business tonight.

Unfortunately, we have no indications yet whether Congress will act today to meet the requirements of the eight-day extension passed last week and pass a full-year Continuing Resolution the President can accept. Therefore, the head of each agency must be prepared, beginning Thursday morning, October 9th, to implement its existing plan for closing down operations in the event of a lapse of appropriations. The instructions for implementing that plan are the same as set forth in my memorandum of September 30th, which is attached hereto.

Attachment

60-7



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Executive Registry

86- [REDACTED] 4478

September 30, 1986

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS  
AND AGENCIES

FROM: James C. Miller III

SUBJECT: Agency Operations in the Absence of Appropriations

Once again, we reach the end of a fiscal year without enactment of regular appropriations measures.

As you may know, the House of Representatives has passed a full-year Continuing Resolution which is unacceptable to the President. Last Friday, the Senate Appropriations Committee reported a more acceptable version, and floor debate commenced yesterday. The Senate version differs from the House measure in significant respects, and presumably there will be a Conference.

The House is presently considering a short-term Continuing Resolution providing funding through October 8th -- at current rates for all agencies. It is not clear whether this measure will be acceptable to the Senate, or how quickly it could be enrolled for consideration by the President. Therefore, prudence dictates that each affected agency begin contingency planning should an appropriations hiatus occur at the beginning of Wednesday, October 1st.

OMB Bulletin 80-14, dated August 28, 1980 (and amended by the OMB Director's memorandum of November 17, 1981), requires all agencies to maintain plans to deal with an appropriations hiatus. Furthermore, the Attorney General's opinion dated January 16, 1981, supporting this bulletin, remains in effect. In general:

- o Employees of affected agencies performing non-excepted activities (as defined by the Attorney General's opinion) may not perform any services other than those involved in the orderly suspension of non-excepted activities;
- o Agencies may not permit voluntary performance of non-excepted services; and
- o Agency heads make the determinations that are necessary to operate their agencies during an

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appropriations hiatus (within the guidance established by the Attorney General's opinion and this Memorandum, and pursuant to normal agency processes for the resolution of issues of law and policy).

Questions that you cannot answer should be addressed to your OMB budget examiner(s), or to OMB General Counsel John H. Carley (395-5044) or Deputy General Counsel John F. Cooney (395-5600). Any unresolved legal questions relative to the construction of the Antideficiency Act should be referred to the Office of Legal Counsel of the Department of Justice.

Under the circumstances, it is imperative that you review your current shutdown plans immediately. Any changes in these plans should be submitted to your OMB budget examiner(s) by close-of-business today. (If no changes are submitted, we will assume the current contingency plan remains in effect.) All excepted employees identified pursuant to your agency's plan and the Attorney General's opinion of January 16, 1981, should be instructed to report to work tomorrow and to perform their excepted duties. All regular employees performing non-excepted activities should be instructed to report for work tomorrow as scheduled. At that time, we will inform you whether an acceptable full- or short-term Continuing Resolution is likely to be enacted on that day. If not, we will issue instructions initiating a phase-down of activities for non-excepted employees. Such phase-down activities for non-excepted personnel, if called for, should be completed during the first three hours of the workday.

Please assure that your agency's personnel remain in close touch with their OMB examiner(s) on this matter, and please be prepared for possible planning meetings at the General Counsel/Assistant Secretary for Management level. Please notify your OMB examiner(s) immediately of any problems relative to full compliance with this Memorandum or the Attorney General's opinion.

Thank you.

**EXECUTIVE SECRETARIAT**  
**ROUTING SLIP**

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SUSPENSE \_\_\_\_\_ Date \_\_\_\_\_

Remarks

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Executive Secretary

10 OCT 86

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3637 (10-81)



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